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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/674,483

09/30/2003

Andrew P. Muser

P-4961/2

4681

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11/30/2005

DAVID W. HIGHET, VP AND CHIEF IP COUNSEL  
BECTON, DICKINSON AND COMPANY  
1 BECTON DRIVE, MC 110  
FRANKLIN LAKES, NJ 07417-1880

EXAMINER

LEVKOVICH, NATALIA A

ART UNIT

PAPER NUMBER

1743

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendments and remarks dated 09/09/2005 have been acknowledged by the Examiner.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5 and 8-9 are rejected under 35 U.S.C. 102(e) as anticipated by Kowallis et al. (USP 6,878,341).

Kowallis discloses a microwell plate comprising wells of rectangular shape. The side walls and the corners of the wells are tapered towards closed ends. The plate is unitarily formed. The "wells can be shaped as a triangle, square, rectangle, or other multi-sided shape; or as an oval, oblong or other rounded, but non-circular shape; or any combination thereof (Col.3, lines 60-65; Col. 4, lines 1-2; Figure 12).

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action

5. Claims 1-4 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over any of Szlosek (USP 5,759,494) or Pham et al. (USP 6,063,338).

See the appropriate paragraphs of the 06/16/2005 Office Action.

6. Claim 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szlosek (USP 5,759,494).

See the appropriate paragraphs of the 06/16/2005 Office Action.

***Response to Arguments***

7. Applicant's arguments dated 09/09/2005 have been fully considered but they are not persuasive and moot in view of new grounds of rejection.

Applicant asserts that 'there is no proof that the rounded corners will in fact facilitate cleaning'. Examiner notes that this property of rounded-corner containers is not only well known, but is obviously appreciated by many households which members buy, for example, milk in glass bottles with rounded corners from Whole Foods, or the like.

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*Arguendo*, Examiner disagrees with Applicant's statement that the 'the rounded corners of the subject invention enable larger perimeters to be defined along the length of the wells', since the perimeters of squares with rounded corners are less than the perimeters of corresponding squares.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalia Levkovich whose telephone number is 571-272-2462. The examiner can normally be reached on Mon-Fri, 8 a.m.-4p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**Jill Warden**  
**Supervisory Patent Examiner**  
**Technology Center 1700**